

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE ANTITRUST LITIGATION <i>This document relates to:</i> ALL CASES	Case No. 19-cv-1222-JRT-HB
KENNETH PETERSON, et al., Plaintiffs, v. JBS S.A., et al., Defendants.	Case No. 19-cv-1129-JRT-HB
IN RE DPP BEEF LITIGATION <i>This document relates to:</i> ALL CASES	Case No. 20-cv-1319-JRT-HB
ERBERT & GERBERT'S, INC., Plaintiff, v. CARGILL, INC., et al., Defendants.	Case No. 20-cv-1414-JRT-HB

**NATIONAL BEEF PACKING COMPANY, LLC'S MOTION TO DISMISS
THE AMENDED CLASS ACTION COMPLAINTS**

Defendant National Beef Packing Company, LLC (“National Beef”) moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss with prejudice the most recently amended complaints in the above-captioned actions:

- The Third Consolidated Amended Class Action Complaint, *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), ECF No. 312;
- The Consumer Indirect Purchase Plaintiffs’ Corrected Third Amended Class Action Complaint, *Peterson, et al., v. JBS S.A., et al.*, Case No. 19-cv-1129 (JRT/HB), ECF No. 256;
- The Direct Purchaser Plaintiffs’ Corrected Consolidated Amended Class Action Complaint, *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), ECF No. 158; and
- The Corrected Amended Class Action Complaint, *Erbert & Gerbert’s, Inc. v. Cargill, Incorporated, et al.*, Case No. 20-cv-1414 (JRT/HB), ECF No. 125.

This motion is supported by National Beef’s Memorandum of Law in Support of its Motion to Dismiss the Amended Class Action Complaints, and all of the files, records, and proceedings herein.

Dated: February 18, 2021

By: /s/ Benjamin L. Ellison
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